

Zoning Committee Meeting
Tuesday, January 26, 2010 @ 6:30 PM

ITEM #1

Application for a Home Occupation License for the purpose of upholstery in garage located at 3 Ivy Street. Applicant: Edward J. Radawiec, 3 Ivy St., Chicopee, MA 01020.

ITEM #2

Application for a Special Permit under section 275-58 C (4) for the purpose of consumption of alcohol in a Bus. A zoned building located at 729-733 Chicopee St. Applicant: Joanna Cobleigh, 501 Belmont Ave., Springfield, MA 01108.

ITEM #3

Minutes



CHICOPEE CITY COUNCIL
ZONING COMMITTEE

ACCEPTED

ZONING COMMITTEE MEMBERS

Jean Croteau, Chairman
Dino A. Brunetti, Vice-Chairman
George Moreau
Donald Demers
John Vieau
Fred Krampits
Frank LaFlamme

MINUTES
January 26, 2010

The following are the minutes of a public hearing held Tuesday, January 26, 2010 at 6:30 PM in the City Council Chambers, Fourth Floor, City Hall Annex, 274 Front Street, Chicopee, MA 01013.

Members Present Croteau, Brunetti, Moreau, Demers, Vieau, Krampits, LaFlamme

Also Present Dan Garvey (City Solicitor), Kate Brown (Planning Director)

The meeting was called to order at 6:30 PM

ITEM #1

Application for a Special Permit under section 275-58 C (4) for the purpose of consumption of alcohol in a Business A zoned building located at 729-733 Chicopee Street.

Applicant Joanna Cobleigh, 501 Belmont Avenue, Springfield, MA 01108

Applicant was present she stated that she owns the building and she's just trying to get a liquor license to lease it out or sell it. She cannot make it a productive building without the liquor license.

Engineering Department

Approved.

Planning

Summary & Recommendation:

This is the location of the former Jesters. The special permit for Jesters was granted to the applicant Jessica Lapa. Consequently the new owner is applying for a special permit in order to complete the transfer of the liquor license. Once the special permit is granted the License Commission will hold its hearing for the transfer. If the new owner retains the property and hires a manager, the manager's name will be submitted to the License Commission. If the new owner sells the property, the next owner will reapply for the special permit and license transfer. The License Committee will impose conditions on the license. However, I do suggest the following conditions of the special permit:

*As a courtesy to the Margaret Street residents, the owner should be asked to post a Sign in the store encouraging customer parking in the viaduct parking area rather than

directly on Margaret Street.

Restrictions

- 1.) Permit to run with the applicant
- 2.) Post sign in establishment, asking patrons to park under viaduct-not on street.
- 3.) All bills must be made current before 2/02/10 meeting.

Councilor Moreau concerned about disturbance regarding motorcycle traffic.

Councilor Demers questioned what kind of entertainment will they have.

Councilor LaFlamme stated that the motorcycles have to be controlled regarding noise, etc.

Councilor Vieau stated that without the liquor license she doesn't have much marketability.

Councilor Croteau stated that the water and real-estate bills owed must be brought current before next meeting or this will be sent back to the Committee.

Councilor Krampits stated that there's usually a specific plan such as the last meeting regarding the canopy.

Committed vote 7 to approve.

ITEM #2

Application for a Home Occupation License for the purpose of upholstery in garage located at 3 Ivy Street.

Applicant Edward J. Radawiec, 3 Ivy Street, Chicopee, MA 01020

Applicant and his Interpreter Kazmierz Barut were present; they stated that he lost his job and would like to start a professional reupholstery business in his garage. He will install noise barriers and buy material on his own. It will be a one man operation.

Engineering Department

Approval

Planning

Recommendation

Subject property is located at the corner of Ivy Street and Montgomery Street. From the air photo, the garage appears to be detached in located at the rear of the property. Your ordinance requires all home occupations to place entirely within the residence. As I recall, the Council denied a permit for a similar request some years ago. I would ask Atty. Garvey to render an opinion as to whether detached accessory buildings are considered part of the residence for the purpose of evaluating home occupation requests. I would also be concerned the deliveries of large pieces of furniture may be somewhat contrary to sustaining the residential nature of the site and the neighborhood. If this approved the Home Occupation definition and ordinance should be attached to the approval. It is my experience that applicants not read this ordinance before they apply and do not adhere to it once they receive approval. Illegal signage is the biggest problem and violations are not enforced. If the casual observer can distinguish a home with a home occupation from other homes in a neighborhood, then it doesn't belong in that neighborhood.

PUBLIC INPUT

Tom Hernke, 23 Ivy Street asked if there was any zone change involved or could it lead to a zone change. Concerned about material outside building and the amount of employees Mr. Radawiec can hire.

Ernest LaFlamme, 865 Montgomery Street stated that he owns property on Ivy Street. He stated that we should have restrictions on customer parking on the street. He asked how many employees Mr. Radawiec could hire or would he be working alone. If he keeps the property looking nice he would have no problem with it.

Phyllis Potvin, 23 Ivey Street stated that she doesn't want it to be like a gas station with traffic coming in and out and concerned about the noise.

Abutters' in favor

Restrictions

- 1.) Hours of operation: 7:00 am - 4:00 pm, Monday - Saturday.
- 2.) No Sunday Hours.
- 3.) No outside storage of material or debris.
- 4.) No employees.
- 5.) No on street parking for customers.
- 6.) License runs with the applicant.
- 7.) Make contact with Fire Dept.
- 8.) Inform Building Dept. of intent.

Councilor Croteau asked the following; where would your work come from? What are your hours of operation? Is there noise when you work? How would your material be delivered?

Councilor Laflamme stated that the home occupation license can be called in anytime if complaints are received.

Councilor Krampits asked the following; if applicant was planning on customers coming to his house to pick up or would he be delivering to customers? He was under the impression you couldn't use your garage as part of a business.

Councilor Demers asked the following; will there be any spraying or gluing?

Dan Garvey replied to Councilor Krampits question; it's open to interpretation but, the applicant has to adhere to chapter 275-41 b (1)

Kate Brown stated that you have to interpret the ordinance when a reasonable request is made.

Committee vote 7 - 0 approve

ITEM #3

Minutes – for December 29, 2009 Accepted

Meeting adjourned at 7:25 P.M.